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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|-----------------------|---------------------|------------------|
| 10/005,771 | 11/08/2001 | Thomas J. Gritzmacher | 38-0014 | 1391 |
| 26294 7590 03/20/2008 TAROLLI, SUNDHEIM, COVELL & TUMMINO L.L.P. 1300 EAST NINTH STREET, SUITE 1700 CLEVEVLAND, OH 44114 | | | | |
| EXAMINER | | | | |
| CHANDLER, SARA M | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 3693 | | | | |
| MAIL DATE | | DELIVERY MODE | | |
| 03/20/2008 | | PAPER | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/005,771

Applicant(s)

GRITZMACHER ET AL.

Examiner

SARA CHANDLER

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01/30/08.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-6, 8, 9, 11-16, 18-28 and 36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-6, 8-9, 11-16, 18-28 and 36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

This Office Action is responsive to Applicant's arguments and request for reconsideration of application 10/005,771 (11/08/01) filed on 01/30/08.

Claim Interpretation

1. In determining patentability of an invention over the prior art, all claim limitations have been considered and interpreted as broadly as their terms reasonably allow. See MPEP § 2111.

Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. *In re Pruter*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969). See MPEP § 2111.

2. All claim limitations have been considered. Additionally, all words in the claims have been considered in judging the patentability of the claims against the prior art. See MPEP 2106 II C. The following language is interpreted as not further limiting the scope of the claimed invention. See MPEP 2106 II C.

Language in a method claim that states only the intended use or intended result (e.g., "for _____"), but the expression does not result in a manipulative difference in the steps of the claim. Language in a system claim that states only the intended use or intended result (e.g., "for _____"), but does not result in a

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structural difference between the claimed invention and the prior art. In other words, if the prior art structure is capable of performing the intended use, then it meets the claim.

Claim limitations that contain statement(s) such as “*if, may, might, can could*”, as optional language. As matter of linguistic precision, optional claim elements do not narrow claim limitations, since they can always be omitted.

Claim limitations that contain statement(s) such as “*wherein, whereby*”, that fail to further define the steps or acts to be performed in method claims or the discrete physical structure required of system claims.

USPTO personnel should begin claim analysis by identifying and evaluating each claim limitation. For processes, the claim limitations will define steps or acts to be performed. For products, the claim limitations will define discrete physical structures or materials. Product claims are claims that are directed to either machines, manufactures or compositions of matter. See MPEP § 2106 II C.

The subject matter of a properly construed claim is defined by the terms that limit its scope. It is this subject matter that must be examined. As a general matter, the grammar and intended meaning of terms used in a claim will dictate whether the language limits the claim scope. Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation. The following are examples of language that may raise a question as to the limiting effect of the language in a claim:

- (A) statements of intended use or field of use,
- (B) “adapted to” or “adapted for” clauses,
- (C) “wherein” clauses, or
- (D) “whereby” clauses.

See MPEP § 2106 II C.

3. Independent claims are examined together, since they are not patentable distinct. If applicant expressly states on the record that two or more independent and distinct

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inventions are claimed in a single application, the Examiner may require the applicant to elect an invention to which the claims will be restricted.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1, 5-6, 8-9, 11-16, 19-27 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones, US Pub. No. 2002/0176547.

Re Claims 1 and 36: Jones discloses a method/program storage device readable by machine, tangibly embodying a program of instructions executable by the machine to perform:

determining when a network interface is activated at a client system the network interface being activated when a communication link between the network and the client system is established (Jones, abstract, [0012] thru [0014]; [0016] [0017]; [0035] thru

[0037]; [0047]; [0049] [0050] [0052] thru [0054]; [0056] thru [0059] client system/client = communication device (e.g., telephone, computer etc.) and packet billing system) obtaining at least one of a video file, a data file and an audio file across said communication link while said network interface is activated (Jones, abstract, [0005]; [0008] thru [0012]; [0017]; [0029]; [0033] [0042] [0048]);

determining when said network interface is deactivated at the client system, the network interface being deactivated when the communication link between the network and the client system is disconnected, wherein the determining when a network interface is activated and the determining when said network interface is deactivated is performed by the client system (Jones, abstract, [0012] thru [0014]; [0016] [0017]; [0035] thru [0037]; [0047]; [0049] [0050] [0052] thru [0054]; [0056] thru [0059] client system/client = communication device (e.g., telephone, computer etc.) and packet billing system); storing, at the client system, information relating to a time-based bill based on when the network interface is activated and when the network interface is deactivated (Jones, abstract, [0007] [0012] [0014] thru [0017]; [0029] [0035] [0037]);

transmitting a call detail record from the client system to a billing module on a billing system based on the information relating to said time-based bill (Jones, abstract, [0007] [0014] thru [0017] [0037] [0038] [0050] [0051] [0054] [0058] [0059] client system/client = communication device (e.g., telephone, computer etc.) and packet billing system; billing module on a billing system = packet switched telephone network (PSTN) billing system).

Jones fails to explicitly disclose wherein the components of the client system were integrated (i.e., communication device and packet billing system).

Makings Integral

It has been held that merely making something integral only requires routine skill in the art. *In re Larson*, 340 F.2d 965, 968, 144 USPQ 347, 349 (CCPA 1965) .

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Jones to provide wherein all components of the client system were integrated (i.e., communication device and packet billing system).

One would have been motivated to by increased efficiency and cost reductions associated with integrating the components.

Re Claim 5: Jones discloses the claimed invention supra and further discloses launching an application based on a menu selection (Jones, abstract, [0012] thru [0014]; [0016] [0017]; [0035] thru [0037]; [0047]; [0049] [0050] [0052] thru [0054]; [0056] thru [0059]).

Re Claim 6: Jones discloses the claimed invention supra and further discloses transmitting a connect packet from a client to a router device, said connect packet being based on said selected application (Jones, abstract, [0012] thru [0014]; [0016] [0017]; [0035] thru [0037]; [0047]; [0049] [0050] [0052] thru [0054]; [0056] thru [0059]).

Re Claim 8: Jones discloses the claimed invention supra and further discloses transmitting a status packet from said router device to said client via said communication link (Jones, abstract, [0012] thru [0014]; [0016] [0017]; [0035] thru

[0037]; [0047]; [0049] [0050] [0052] thru [0054]; [0056] thru [0059]).

Re Claim 9: Jones discloses the claimed invention supra and further discloses updating a status of said router device in a state table (Jones, abstract, [0012] thru [0014]; [0016] [0017]; [0035] thru [0037]; [0047]; [0049] [0050] [0052] thru [0054]; [0056] thru [0059]).

Re Claim 11: Jones discloses the claimed invention supra and further discloses wherein said call detail record comprising information relating to at least one of a time, an Internet protocol address and a status (Jones, abstract, [0007] [0014] thru [0017] [0037] [0038] [0050] [0051] [0054] [0058] [0059])

Re Claim 12: Jones discloses the claimed invention supra and further discloses transmitting a disconnect packet from a client to a router device via said communication link (Jones, abstract, [0012] thru [0014]; [0016] [0017]; [0035] thru [0037]; [0047]; [0049] [0050] [0052] thru [0054]; [0056] thru [0059]).

Re Claim 13: Jones discloses the claimed invention supra and further discloses transmitting a status packet from said router device to said client via said communication link (Jones, abstract, [0012] thru [0014]; [0016] [0017]; [0035] thru [0037]; [0047]; [0049] [0050] [0052] thru [0054]; [0056] thru [0059]).

Re Claim 14: Jones discloses the claimed invention supra and further discloses updating a status of said router device in a state table (Jones, abstract, [0012] thru [0014]; [0016] [0017]; [0035] thru [0037]; [0047]; [0049] [0050] [0052] thru [0054]; [0056] thru [0059]).

Re Claim 15: Jones discloses the claimed invention supra and further discloses

displaying call detail record information based on information relating to said time-based bill (Jones, abstract, [0007] [0012] [0014] thru [0017]; [0029] [0035] [0037]).

Re Claim 16: Jones discloses a method comprising:

connecting a client with a content provider of at least one of a video file, a data file and an audio file; (Jones, abstract, [0012] thru [0014]; [0016] [0017]; [0035] thru [0037]; [0047]; [0049] [0050] [0052] thru [0054]; [0056] thru [0059] client system/client = communication device (e.g., telephone, computer etc.) and packet billing system); obtaining said at least one of a video file, a data file and an audio file from said content provider (Jones, abstract, [0005]; [0008] thru [0012]; [0017]; [0029]; [0033] [0042] [0048]);

disconnecting said client from said content provider (Jones, abstract, [0012] thru [0014]; [0016] [0017]; [0035] thru [0037]; [0047]; [0049] [0050] [0052] thru [0054]; [0056] thru [0059] client system/client = communication device (e.g., telephone, computer etc.) and packet billing system);

determining an amount of time said client is connected to said content provider (Jones, abstract, [0012] thru [0014]; [0016] [0017]; [0035] thru [0037]; [0047]; [0049] [0050] [0052] thru [0054]; [0056] thru [0059] client system/client = communication device (e.g., telephone, computer etc.) and packet billing system), wherein the determining an amount of time comprises:

determining when a network interface to said content provider is activated (Jones, abstract, [0012] thru [0014]; [0016] [0017]; [0035] thru [0037]; [0047]; [0049] [0050]

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[0052] thru [0054]; [0056] thru [0059] client system/client = communication device (e.g., telephone, computer etc.) and packet billing system);

and determining when said network interface to said content provider is deactivated, wherein the determining when a network is activated and the determining when said network interface is deactivated is performed by the client system (Jones, abstract, [0012] thru [0014]; [0016] [0017]; [0035] thru [0037]; [0047]; [0049] [0050] [0052] thru [0054]; [0056] thru [0059] client system/client = communication device (e.g., telephone, computer etc.) and packet billing system);

storing, at the client system, information relating to a time-based bill based on when the network interface is activated and when the network interface is deactivated (Jones, abstract, [0007] [0012] [0014] thru [0017]; [0029] [0035] [0037]); and transmitting a call detail record from the client system to a billing module on a billing system based on the information relating to said time-based bill (Jones, abstract, [0007] [0014] thru [0017] [0037] [0038] [0050] [0051] [0054] [0058] [0059] client system/client = communication device (e.g., telephone, computer etc.) and packet billing system; billing module on a billing system = packet switched telephone network (PSTN) billing system).

Jones fails to explicitly disclose wherein the components of the client system were integrated (i.e., communication device and packet billing system).

Makings Integral

Making something integral only requires routine skill in the art See *In re Larson*, 340 F.2d 965, 968, 144 USPQ 347, 349 (CCPA 1965) .

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Jones to provide wherein all components

of the client system were integrated (i.e., communication device and packet billing system).

One would have been motivated to by increased efficiency and cost reductions associated with integrating the components.

Re Claim 19: Jones discloses the claimed invention supra and further discloses wherein connecting said client with said content provider comprises transmitting a connect packet from said client to a router device (Jones, abstract, [0012] thru [0014]; [0016] [0017]; [0035] thru [0037]; [0047]; [0049] [0050] [0052] thru [0054]; [0056] thru [0059]).

Re Claim 20: Jones discloses the claimed invention supra and further discloses transmitting a status packet from said router device to said client (Jones, abstract, [0012] thru [0014]; [0016] [0017]; [0035] thru [0037]; [0047]; [0049] [0050] [0052] thru [0054]; [0056] thru [0059]).

Re Claim 21: Jones discloses the claimed invention supra and further discloses updating a status of said router device in a state table (Jones, abstract, [0012] thru [0014]; [0016] [0017]; [0035] thru [0037]; [0047]; [0049] [0050] [0052] thru [0054]; [0056] thru [0059]).

Re Claim 22: Jones discloses the claimed invention supra and further discloses wherein the stored information comprises a call detail record (Jones, abstract, [0007] [0014] thru [0017] [0037] [0038] [0050] [0051] [0054] [0058] [0059]).

Re Claim 23: Jones discloses the claimed invention supra and further discloses wherein said call detail record comprising information relating to at least one of a time,

an Internet protocol address and a status (Jones, abstract, [0007] [0014] thru [0017] [0037] [0038] [0050] [0051] [0054] [0058] [0059]).

Re Claim 24: Jones discloses the claimed invention supra and further discloses wherein disconnecting said client from said content provider comprises transmitting a disconnect packet from said client to a router device (Jones, abstract, [0012] thru [0014]; [0016] [0017]; [0035] thru [0037]; [0047]; [0049] [0050] [0052] thru [0054]; [0056] thru [0059]).

Re Claim 25: Jones discloses the claimed invention supra and further discloses wherein disconnecting said client further comprises transmitting a status packet from said router device to said client (Jones, abstract, [0012] thru [0014]; [0016] [0017]; [0035] thru [0037]; [0047]; [0049] [0050] [0052] thru [0054]; [0056] thru [0059]).

Re Claim 26: Jones discloses the claimed invention supra and further discloses updating a status of said router device in a state table (Jones, abstract, [0012] thru [0014]; [0016] [0017]; [0035] thru [0037]; [0047]; [0049] [0050] [0052] thru [0054]; [0056] thru [0059]).

Re Claim 27: Jones discloses the claimed invention supra and further discloses displaying call detail record information (Jones, abstract, [0007] [0012] [0014] thru [0017]; [0029] [0035] [0037]).

Claims 3 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones as applied to claims 1 and 16 above, and further in view of Schweitzer, US Pub. No. 2001/0055291.

Re Claim 3: Jones discloses the claimed invention supra but fails to explicitly disclose wherein obtaining said information comprises encrypting said information, transmitting said encrypted information across said communication link, and decrypting said encrypted information. Schweitzer discloses wherein obtaining said information comprises encrypting said information, transmitting said encrypted information across said communication link, and decrypting said encrypted information (Schweitzer, Fig. 1B, [0008] [0009]).

Also,

Analogous Art It has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, the invention is within the field of billing systems and methods. The problem to be solved is billing for content/information that is transmitted over a network. The type of content/information whether voice, video, audio etc. is not critical to the problem to be solved. Thus, the prior art cited is analogous art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Jones by adopting the teachings of Schweitzer to provide wherein obtaining said information comprises encrypting said information, transmitting said encrypted information across said communication link, and decrypting said encrypted information.

As suggested by Schweitzer there may be confidential information that must be secured as reliably as possible.

Re Claim 18: Jones discloses the claimed invention supra but fails to explicitly disclose wherein obtaining said at least one of a video file, a data file and an audio file comprises encrypting said at least one of a video file, a data file and an audio file, transmitting said encrypted at least one of a video file, a data file and an audio file from said content provider across a network and decrypting said encrypted at least one of a video file, a data file and an audio file. Schweitzer discloses wherein obtaining said at least one of a video file, a data file and an audio file comprises encrypting said at least one of a video file, a data file and an audio file, transmitting said encrypted at least one of a video file, a data file and an audio file from said content provider across a network and decrypting said encrypted at least one of a video file, a data file and an audio file (Schweitzer, Fig. 1B, [0008] [0009]).

Also,

Analogous Art It has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, the invention is within the field of billing systems and methods. The problem to be solved is billing for content/information that is transmitted over a network. The type of content/information whether voice, video, audio etc. is not critical to the problem to be solved. Thus, the prior art cited is analogous art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Jones by adopting the teachings of Schweitzer to provide wherein obtaining said at least one of a video file, a data file and an audio file comprises encrypting said at least one of a video file, a data file and an audio file, transmitting said encrypted at least one of a video file, a data file and an audio file from said content provider across a network and decrypting said encrypted at least one of a video file, a data file and an audio file.

As suggested by Schweitzer there may be confidential information that must be secured as reliably as possible.

Claims 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jones in view of Schweitzer as applied to claim 3 above, and further in view of Buhler, EP 1 775 929 A2.

Re Claim 4: Jones in view of Schweitzer discloses the claimed invention supra but fails to explicitly disclose wherein said information relates to a video file. Buhler discloses wherein said information relates to a video file (Buhler, [0014]).

Also,

Analogous Art It has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, the invention is within the field of billing systems and methods. The problem to be solved is billing for content/information that is transmitted

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over a network. The type of content/information whether voice, video, audio etc. is not critical to the problem to be solved. Thus, the prior art cited is analogous art.

It would have been obvious to one of ordinary skill in the art at the time the invention to modify the teachings of Jones by adopting the teachings of Buhler to provide wherein said information relates to a video file.

As suggested by Buhler, the system is suitable for various forms of content/information transmission (e.g., voice, video, audio) and which is chosen is a matter of design choice.

Claims 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jones as applied to claim 16 above, and further in view of Buhler, EP 1 775 929 A2.

Re Claim 28: Jones discloses the claimed invention supra but fails to explicitly disclose wherein said desired content relates to a video file. Buhler discloses wherein said desired content relates to a video file (Buhler, [0014]).

Also,

Analogous Art It has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, the invention is within the field of billing systems and methods. The problem to be solved is billing for content/information that is transmitted over a network. The type of content/information whether voice, video, audio etc. is not critical to the problem to be solved. Thus, the prior art cited is analogous art.

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It would have been obvious to one of ordinary skill in the art at the time the invention to modify the teachings of Jones by adopting the teachings of Buhler to provide wherein said desired content relates to a video file.

As suggested by Buhler, the system is suitable for various forms of content/information transmission (e.g., voice, video, audio) and which is chosen is a matter of design choice.

Response to Arguments

Objections

Withdrawn in light of applicant's amendment.

112

Withdrawn in light of applicant's amendment.

103

Applicant's arguments have been fully considered but they are not persuasive.

Helpful insights, however, need not become rigid and mandatory formulas; and when it is so applied, the TSM test is incompatible with our precedents. The obviousness analysis cannot be confined by a formalistic conception of the words teaching, suggestion, and motivation, or by overemphasis on the importance of published articles and the explicit content of issued patents. The diversity of inventive pursuits and of modern technology counsels against limiting the analysis in this way. In many fields it may be that there is little discussion of obvious techniques or combinations, and it often may be the case that market demand, rather than scientific literature, will drive design trends. Granting patent protection to advances that would occur in the ordinary course without real innovation retards progress and may, in the case of patents combining previously known elements deprive prior inventions of their value or utility. *KSR v. Teleflex*, 127 S.Ct. 1727, 82 USPQ2d at 1396 (2007).

Re Claim 1, 5-6, 8-9, 11-16, 19-27 and 36, rejected under 35 U.S.C. 103(a) as being unpatentable over Jones.

.Jones teaches within a communications system 100, there exists among other things a Packet Communications System 101 and a Public Switched Telephone Network Billing System 194. The Packet Communications System 101 comprises: a communication device 112 and Packet Billing System 194. (See, Jones Fig. 1 and [0032]) (Note: The communications device 112 and the Packet Billing System 194 when made integral are interpreted as the client system of the claimed invention. Note: The Public Switched Telephone Network Billing System 194 is interpreted as the billing module on a billing system of the claimed invention).

Jones discloses a base device

For the following discussion claim 1 will used as a representative claim:

(a) Jones states, for example:

Packet billing system 104 detects a call set up message in first signaling transmitted between signaling processor 102 and communications device 112. Packet billing system 104 generates a start record responsive to detecting the call setup message. (Jones, [0035])

This is interpreted as being equivalent to the first limitation of the claim 1 which states:

determining when a network interface is activated at a client system the network interface being activated when a communication link between the network and the client system is established;

(b) Jones states, for example:

With the call set up, the first communication device receives user communications for the call. The first communication device encodes the user communications into packets. The first communication device exchanges packets with the second communications device over the packet network. (Jones, [0017])

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This is interpreted as being equivalent to the second limitation of the claim 1 which states:

obtaining at least one of a video file, a data file and an audio file across said communication link while said network interface is activated;

(c) Jones states, for example:

Packet billing system 104 detects a call complete message in second signaling transmitted between signaling processor 102 and communications device 112. (Jones, [0035])

This is interpreted as being equivalent to the third limitation of the claim 1 which states:

determining when said network interface is deactivated at the client system, the network interface being deactivated when the communication link between the network and the client system is disconnected, wherein the determining when a network interface is activated and the determining when said network interface is deactivated is performed by the client system;

d) Jones states, for example:

In some examples, packet billing system 104 generates a call detail record for the call transmitted over packet system 106 based on the start record and the end record. (Jones, [0037])

Note: The records in Jones have to be stored at least temporarily because although a start record is obtained at the time of activation, the end record occurs later at the time of deactivation. The call detail record cannot be generated until all these records (i.e., start/end) are stored.

This is interpreted as being equivalent to the fourth limitation of the claim 1 which states:

storing, at the client system, information relating to a time-based bill based on when the network interface is activated and when the network interface is deactivated;

e) Jones states, for example:

Packet billing system 104 transfers the call detail record to public switched telephone network billing system 194. Public switched telephone network billing system 194 receives the call detail record and processes the call detail record to generate a bill. (Jones, [0037])

This is interpreted as being equivalent to the fifth limitation of the claim 1 which states:

transmitting a call detail record from the client system to a billing module on a billing system based on the information relating to said time-based bill.

Known Technique

As noted supra, the communications device 112 and the Packet Billing System 104 had not been made integral in Jones but, the communications device 112 and the Packet Billing System 104 when made integral are the functional equivalent of the client system as claimed. Making something integral has been recognized a technique known to those of ordinary skill in the art that may render an invention obvious.

It has been held that merely making something integral only requires routine skill in the art. *In re Larson*, 340 F.2d 965, 968, 144 USPQ 347, 349 (CCPA 1965) .

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Jones to provide wherein all components of the client system were integrated (i.e., communication device and packet billing system). One would have been motivated by increased efficiency and cost reductions associated with integrating the components.

Claims 1, 5-6, 8-9, 11-16, 19-27 and 36 apply a known technique to known device ready for improvement to yield predictable results. Thus, the claimed subject

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matter likely would have been obvious under KSR. *KSR*, 127 S.Ct. at 1741, 82 USPQ2d at 1396.

In regards, to applicant's arguments regarding dependent claims 15 and 27. It is further noted that "displaying call detail record information based on information relating to said time-based bill" is also predictable in light of the teachings of Jones above. In other words, the purpose of Jones is to bill for usage and the call detail records are used to aid in this objective. It is predictable that a display of the call detail records would be made available (i.e., particularly to the users that are the cause of the bill being generated and from whom payment is expected).

Re Claims 3 and 18, rejected under 35 U.S.C. 103(a) as being unpatentable over Jones above, and further in view of Schweitzer. Obvious for the reasons noted above for Jones.

Re Claim 4, rejected under 35 U.S.C. 103(a) as being unpatentable over Jones in view of Schweitzer above, and further in view of Buhler. Obvious for the reasons noted above for Jones.

Re Claim 28, rejected under 35 U.S.C. 103(a) as being unpatentable over Jones above, and further in view of Buhler. Obvious for the reasons noted above for Jones.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SARA CHANDLER whose telephone number is (571)272-1186. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on 571-272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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SMC

/JAGDISH N PATEL/

Primary Examiner, Art Unit 3693